

Notice of Allowability

Application No.

09/989,703

Examiner

Sanza L. McClendon

Applicant(s)

BULTERS ET AL.

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1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/26/2005. *SMC 11/07/05*
2. ☒ The allowed claim(s) is/are 1-8, 12, 16, 19, 21, 28, and 33-39. *24*
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

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DETAILED ACTION

Response to Amendment

1. In response to the Amendment received on October 26, 2005 the examiner has carefully considered the amendments.
2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Response to Arguments

3. Applicant's arguments, see Response, filed October 26, 2005, with respect to claims 1-8, 12, 16, 19, 21, 28-29, and 33-39 have been fully considered and are persuasive. The rejection of claims 1-6, 12, 16, 19, 21, 28-29, and 33-39 has been withdrawn.

Allowable Subject Matter

4. Claims 1-8, 12, 16, 19, 21, 28, and 33-39 are allowed.
5. The following is an examiner's statement of reasons for allowance: The prior art, taken alone or in combination, fails to fairly suggest or disclose the presently claimed coated optical fiber comprising a secondary coating as defined in claim 1 and a primary coating obtained by curing the composition as found in claim 1. The prior art, taken alone or in combination, fails to fairly suggest or disclose a primary coating composition comprising component (a) as found in claim 2 that when cured has the properties as found in claim 2. In claim 7 the inclusion of step (ii) in the method is deemed make the instantly claimed invention allowable over the prior art, taken alone or in combination. The prior art, taken alone or in combination, fails to fairly suggest or disclose a primary coating composition comprising component (a) as found in claim 33 that when cured has the properties as found in claim 33. The prior art, taken alone or in combination, fails to fairly teach and/or suggest a coated optical fiber as found in claim 34 having the composition as found in claim 34 with said properties when cured. This said coated fiber overcomes the prior art of record because Aloisio, Jr. et al fails to teach using two or more difunctional reactive diluents in an coated optical fiber composition that when cured has the properties as found in claim 34. The

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coated optical fiber of claim 35 is deemed allowable since the prior art, taken alone or in combination, fails to disclose a primary coating composition that comprises at least 1% and less than 10 wt% of a mono-functional acrylate having a molecular weight below 500 in addition to (a) - (c) of claim 35 such that when cured has the properties as found in said claim 35. The prior art, taken alone or in combination, fails to fairly teach and/or express a coating system for an optical glass fiber comprising (A) a primary coating composition having the properties as found in claim 36 when cured and (B) a secondary coating having the properties as also found in claim 36. The prior art, taken alone or in combination, fails to fairly teach and/or suggest a primary coating composition as found in claim 38 having the composition as found in claim 38 with said properties when cured. This said coated fiber overcomes the prior art of record because Aloisio, Jr. et al fails to teach using two or more difunctional reactive diluents in an coated optical fiber composition that when cured has the properties as found in claim 38. The primary coating composition of claim 39 is deemed allowable since the prior art, taken alone or in combination, fails to disclose a primary coating composition that comprises at least 1% and less than 10 wt% of a mono-functional acrylate having a molecular weight below 500 in addition to (a) - (c) of claim 39 such that when cured has the properties as found in said claim 39.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanza L. McClendon whose telephone number is (571) 272-1074. The examiner can normally be reached on Monday through Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sanza L McClendon

Examiner

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SMc



James J. Seidleck
Supervisory Patent Examiner
Technology Center 1700